



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

March 10, 2008

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter Consultation – Western Hemisphere Institute for
Security Cooperation Board of Visitors

Recently, the Department of Defense renewed the charter for the Western Hemisphere Institute for Security Cooperation Board of Visitors (Attached).

Subsequently, the President signed Public Law 110-181, which modifies the advisory committee's membership (Attached). This office, in consultation with the Office of the Department of Defense General Counsel, has rewritten the charter to comply with the new statutory requirements (Attached).

Prior to filing the committee's modified charter with the Library of Congress and the appropriate congressional committees, the Department of Defense respectively requests that the Committee Management Secretariat review and approve the charter (attached).

If you should have any questions about this charter please contact me at 703-601-2554, extension 128.

A handwritten signature in black ink, which appears to read "James D. Freeman II", is positioned above the printed name.

James D. Freeman II
Deputy Committee Management
Officer for the Department of Defense

3 Attachments
As stated

TAB 1

CHARTER
WESTERN HEMISPHERE INSTITUTE
FOR SECURITY COOPERATION BOARD OF VISITORS

- A. Official Designation: The Committee shall be known as the Western Hemisphere Institute for Security Cooperation Board of Visitors (hereafter referred to as the Board).
- B. Objectives and Scope of Activity: The Board, under the provisions of 10 U.S.C. § 2166(e), and the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), shall provide the Secretary of Defense, through the Secretary of the Army, independent advice and recommendations on matters pertaining to the operations and management of the Institute. Under the provisions of 10 U.S.C. § 2166(e) the Board shall:
- 1) Inquire into the curriculum instruction, physical equipment, fiscal affairs, and academic methods of the Institute, other matters relating to the Institute that the Board decides to consider, and any other matter that the Secretary of Defense determines appropriate;
 - 2) Review the curriculum to determine whether it adheres to U.S. doctrine, complies with applicable U.S. laws and regulations, and is consistent with U.S. policy goals towards the Western Hemisphere; and
 - 3) Determine whether the Institute emphasizes human rights to include the rule of law, due process, civilian control of the military, and the role of the military in a democratic society.
- C. Board Membership: As prescribed by 10 U.S.C. § 2166(e)(1), the thirteen-member Board shall be composed of:
- 1) Two Members of the Senate (the Chair and Ranking Member of the Armed Services Committee or their designees);
 - 2) Two Members of the House of Representatives (the Chair and Ranking Member of the Armed Services Committee or their designees);
 - 3) One person designated by the Secretary of State; the senior military officer responsible for training and education in the U.S. Army (or designee); the Commander, U.S. Southern Command (or designee); and
 - 4) Six persons designated by the Secretary of Defense including, to the extent practicable, persons from academia, religious institutions, and human rights communities.

Board Members appointed by the Secretary of Defense, who are not full-time Federal officers or employees, shall serve as Special Government Employees under the authority of 5 U.S.C. § 3109. Those Board Members appointed by the Secretary of Defense shall be appointed for a two-year term, which may be extended for an additional term of two years, and with the exception of travel and per diem for official travel, they shall serve without compensation.

Whenever possible, appointments shall be staggered to avoid complete turnover of Board Members at any one time. In addition, the Board may be assisted by non-voting subject matter experts or consultants. These consultants are designated at the request of the Board by the Secretary of the Army with concurrence of the Secretary of Defense.

- D. Board Meetings: The Board shall meet at the call of the Designated Federal Officer, in consultation with the Chairperson, and the estimated number of Board meetings is two per year.

The Designated Federal Officer shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. In addition, the Designated Federal Officer shall attend all Board and subcommittee meetings.

The Board shall be authorized to establish subcommittees, as necessary and consistent with its mission, and these subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended), and other appropriate federal regulations.

Such subcommittees or workgroups shall not work independently of the chartered Board, and shall report all their recommendations and advice to the Board for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Board nor can they report directly to the Department of Defense or any Federal officers or employees who are not Board Members.

- E. Duration: The need for this advisory function is on a continuing basis, but its charter is subject to renewal every two years.
- F. Agency Support: The Department of Defense, through the Secretary of the Army, shall provide administrative and support services as deemed necessary for the performance of the Board's functions, and shall ensure compliance with reporting requirements of 5 U.S.C., Appendix, as amended.
- G. Termination Date: The Board shall terminate upon recession of 10 U.S.C. § 2166(e).
- H. Operating Costs: It is estimated that the total annual operating costs, to include staff salaries, travel costs and meeting and contract support is approximately \$125,000.00 and 2.0 Full-Time Equivalent (FTE).
- I. Recordkeeping: The records of the Board and its subcommittees shall be handled according to section 2, General Records Schedule 26 and appropriate DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).
- J. Filing Date: February 1, 2008

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2117. School of Nursing.”.

SEC. 956. INCLUSION OF COMMANDERS OF WESTERN HEMISPHERE COMBATANT COMMANDS IN BOARD OF VISITORS OF WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

Subparagraph (F) of section 2166(e)(1) of title 10, United States Code, is amended to read as follows:

“(F) The commanders of the combatant commands having geographic responsibility for the Western Hemisphere, or the designees of those officers.”.

SEC. 957. COMPTROLLER GENERAL ASSESSMENT OF REORGANIZATION OF THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY.

(a) ASSESSMENT REQUIRED.—Not later than June 1, 2008, the Comptroller General of the United States shall submit to the congressional defense committees a report containing an assessment of the most recent reorganization of the office of the Under Secretary of Defense for Policy, including an assessment with respect to the matters set forth in subsection (b).

(b) MATTERS TO BE ASSESSED.—The matters to be included in the assessment required by subsection (a) are as follows:

(1) The manner in which the reorganization of the office furthers, or will further, its stated purposes in the short-term and long-term, including the manner in which the reorganization enhances, or will enhance, the ability of the Department of Defense—

(A) to address current security priorities, including on-going military operations in Iraq, Afghanistan, and elsewhere;

(B) to manage geopolitical defense relationships; and

(C) to anticipate future strategic shifts in those relationships.

(2) The manner in which and the extent to which the reorganization adheres to generally accepted principles of effective organization, such as establishing clear goals, identifying clear lines of authority and accountability, and developing an effective human capital strategy.

(3) The extent to which the Department has developed detailed implementation plans for the reorganization, and the current status of the implementation of all aspects of the reorganization.

(4) The extent to which the Department has worked to mitigate congressional concerns and address other challenges that have arisen since the reorganization was announced.

(5) The manner in which the Department plans to evaluate progress in achieving the stated goals of the reorganization and what measurements, if any, the Department has established to assess the results of the reorganization.

(6) The impact of the large increase in responsibilities for the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and Interdependent Capabilities

(C) Six persons designated by the Secretary of Defense including, to the extent practicable, persons from academia and the religious and human rights communities.

(D) One person designated by the Secretary of State.

(E) The senior military officer responsible for training and doctrine for the Army or, if the Secretary of the Navy or the Secretary of the Air Force is designated as the executive agent of the Secretary of Defense under subsection (a)(2), the senior military officer responsible for training and doctrine for the Navy or Marine Corps or for the Air Force, respectively, or a designee of the senior military officer concerned.

(F) The commander of the unified combatant command having geographic responsibility for Latin America, or a designee of that officer.

(2) A vacancy in a position on the Board shall be filled in the same manner as the position was originally filled.

(3) The Board shall meet at least once each year.

(4) (A) The Board shall inquire into the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Institute, other matters relating to the Institute that the Board decides to consider, and any other matter that the Secretary of Defense determines appropriate.

(B) The Board shall review the curriculum of the Institute to determine whether -

(i) the curriculum complies with applicable United States laws and regulations;

(ii) the curriculum is consistent with United States policy goals toward Latin America and the Caribbean;

(iii) the curriculum adheres to current United States doctrine;

and

(iv) the instruction under the curriculum appropriately emphasizes the matters specified in subsection (d)(1).

(5) Not later than 60 days after its annual meeting, the Board shall submit to the Secretary of Defense a written report of its activities and of its views and recommendations pertaining to the Institute.

(6) Members of the Board shall not be compensated by reason of service on the Board.

(7) With the approval of the Secretary of Defense, the Board may accept and use the services of voluntary and uncompensated advisers appropriate to the duties of the Board without regard to section 1342 of title 31.

(8) Members of the Board and advisers whose services are accepted under paragraph (7) shall be allowed travel and transportation expenses, including per diem in lieu of subsistence, while away from their homes or regular places of business in the performance of services for the Board. Allowances under this paragraph shall be computed -

(A) in the case of members of the Board who are officers or employees of the United States, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5; and

(B) in the case of other members of the Board and advisers, as authorized under section 5703 of title 5 for employees serving without pay.

(9) The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14 (relating to termination after two years), shall apply to the Board.

(f) Authority To Accept Foreign Gifts and Donations. - (1) The Secretary of Defense may, on behalf of the Institute, accept foreign gifts or donations in order to defray the costs of, or

enhance the operation of, the Institute.

(2) Funds received by the Secretary under paragraph (1) shall be credited to appropriations available for the Department of Defense for the Institute. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Institute for the same purposes and same period as the appropriations with which merged.

(3) The Secretary of Defense shall notify Congress if the total amount of money accepted under paragraph (1) exceeds \$1,000,000 in any fiscal year. Any such notice shall list each of the contributors of such money and the amount of each contribution in such fiscal year.

(4) For the purposes of this subsection, a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country.

(g) Fixed Costs. - The fixed costs of operating and maintaining the Institute for a fiscal year may be paid from -

(1) any funds available for that fiscal year for operation and maintenance for the executive agent designated under subsection

(a)(2); or

(2) if no executive agent is designated under subsection (a)(2), any funds available for that fiscal year for the Department of Defense for operation and maintenance for Defense-wide activities.

(h) Tuition. - Tuition fees charged for persons who attend the Institute may not include the fixed costs of operating and maintaining the Institute.

(i) Annual Report. - Not later than March 15 of each year, the Secretary of Defense shall submit to Congress a detailed report on the activities of the Institute during the preceding year. The report shall include a copy of the latest report of the Board of Visitors received by the Secretary under subsection (e)(5), together with any comments of the Secretary on the Board's report. The report shall be prepared in consultation with the Secretary of State.

-SOURCE-

(Added Pub. L. 106-398, Sec. 1 [[div. A], title IX, Sec. 911(a)],
Oct. 30, 2000, 114 Stat. 1654, 1654A-226; amended Pub. L. 107-107,
div. A, title X, Sec. 1048(a)(16), Dec. 28, 2001, 115 Stat. 1223;
Pub. L. 107-314, div. A, title IX, Sec. 932, Dec. 2, 2002, 116
Stat. 2625.)

-REFTEXT-

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (e) (9), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

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AMENDMENTS

2002 - Subsecs. (f) to (h). Pub. L. 107-314, Sec. 932(a), added subsec. (f) and redesignated former subsecs. (f) and (g) as (g) and (h), respectively.

Subsec. (i). Pub. L. 107-314, Sec. 932(a)(1), (b), redesignated subsec. (h) as (i) and inserted after first sentence "The report shall include a copy of the latest report of the Board of Visitors received by the Secretary under subsection (e)(5), together with any comments of the Secretary on the Board's report."

2001 - Subsec. (e)(9). Pub. L. 107-107 substituted "(5 U.S.C. App.)" for "(5 U.S.C. App. 2)".



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Office of the Law Revision Counsel, U.S. House of Representatives

TAB 2

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- C. Board Membership: As prescribed by 10 U.S.C. § 2166(e)(1), as amended, the Board shall be composed of no less than fourteen members:
- 1) Two Members of the Senate (the Chair and Ranking Member of the Armed Services Committee or their designees);
 - 2) Two Members of the House of Representatives (the Chair and Ranking Member of the Armed Services Committee or their designees);
 - 3) One person designated by the Secretary of State; the senior military officer responsible for training and education in the U.S. Army (or designee); the commanders of the combatant commands having geographic responsibility for the Western Hemisphere (or designee); and
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- J. Filing Date: February 1, 2008
- K. Amended Date: